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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,) 2:17-CR-034-JCM-(NJK)
9 Plaintiff,)
10 v.) Preliminary Order of Forfeiture
11 SHAHRIYAR MOTALEBI,)
12 Defendant.)

13 This Court finds that defendant Shahriyar Motalebi pled guilty to Count One of a Two-
14 Count Criminal Indictment charging him with Possession of Child Pornography in violation of
15 Title 18, United States Code, Section 2252A(a)(5)(B). Criminal Indictment, ECF No. 1; Change
16 of Plea, ECF No. __; Plea Agreement, ECF No. __.

17 This Court finds defendant Shahriyar Motalebi agreed to the forfeiture of the property set
18 forth in the Plea Agreement, the Bill of Particulars, and the Forfeiture Allegation of the Criminal
19 Indictment. Criminal Indictment, ECF No. 1; Bill of Particulars, ECF No. 13; Change of Plea,
20 ECF No. __; Plea Agreement, ECF No. __.

21 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of
22 America has shown the requisite nexus between property set forth in the Plea Agreement, the
23 Bill of Particulars, and the Forfeiture Allegation of the Criminal Indictment and the offense to
24 which defendant Shahriyar Motalebi pled guilty.

25 The following property is (1) any visual depiction described in Title 18, United States
26 Code, Section 2252A, or any book, magazine, periodical, film, videotape, or other matter which

1 contains any such visual depiction, which was produced, transported, mailed, shipped or received
2 in violation of Title 18, United States Code, Section 2252A(a)(5)(B) and (2) any property, real or
3 personal, used or intended to be used to commit or to promote the commission of Title 18,
4 United States Code, Section 2252A(a)(5)(B) or any property traceable to such property, and is
5 subject to forfeiture pursuant to Title 18, United States Code, Section 2253(a)(1) and (a)(3):

- 6 1. T-Mobile LG Cell Phone with Cord, bearing IMEI 013306003847585;
- 7 2. Lenovo 80G0 Laptop with Cord, bearing S/N PF05HY9S;
- 8 3. Acer ZL5 Laptop with Cord, bearing S/N LXA5505A746150777C2500; and
- 9 4. Lexar 2GB SD Card

10 (all of which constitutes property).

11 This Court finds the United States of America is now entitled to, and should, reduce the
12 aforementioned property to the possession of the United States of America.

13 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
14 the United States of America should seize the aforementioned property.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory rights,
16 ownership rights, and all rights, titles, and interests of Shahriyar Motalebi in the aforementioned
17 property is forfeited and is vested in the United States of America and shall be safely held by the
18 United States of America until further order of the Court.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of
20 America shall publish for at least thirty (30) consecutive days on the official internet government
21 forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited
22 property, state the time under the applicable statute when a petition contesting the forfeiture must
23 be filed, and state the name and contact information for the government attorney to be served
24 with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code,
25 Section 853(n)(2).

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or
2 entity who claims an interest in the aforementioned property must file a petition for a hearing to
3 adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be
4 signed by the petitioner under penalty of perjury pursuant to Title 21, United States Code,
5 Section 853(n)(3) and Title 28, United States Code, Section 1746, and shall set forth the nature
6 and extent of the petitioner's right, title, or interest in the forfeited property and any additional
7 facts supporting the petitioner's petition and the relief sought.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be
9 filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no
10 later than thirty (30) days after the notice is sent or, if direct notice was not sent, no later than
11 sixty (60) days after the first day of the publication on the official internet government forfeiture
12 site, www.forfeiture.gov.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if
14 any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at
15 the following address at the time of filing:

16 Michael A. Humphreys
17 Assistant United States Attorney
18 Daniel D. Hollingsworth
19 Assistant United States Attorney
20 501 Las Vegas Boulevard South, Suite 1100
21 Las Vegas, Nevada 89101.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described
23 herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate
24 agency following publication of notice of seizure and intent to administratively forfeit the above-
25 described property.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies
2 of this Order to all counsel of record.

3 DATED May 4, 2018.

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6 UNITED STATES DISTRICT JUDGE
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PROOF OF SERVICE

A copy of the foregoing was served upon counsel of record via Electronic Filing on
May 3, 2018.

/s/ Mary Stolz
MARY STOLZ
FSA Paralegal